

1 **FOLEY & LARDNER LLP**  
402 W. BROADWAY, SUITE 2100  
2 SAN DIEGO, CA 92101-3542  
TELEPHONE: 619.234.6655  
FACSIMILE: 619.234.3510

3 KENNETH S. KLEIN, CA BAR NO. 129172

4 **FOLEY & LARDNER LLP**  
3000 K STREET, NW - SUITE 500  
WASHINGTON, DC 20007-5101  
5 TELEPHONE: 202.672-5300  
FACSIMILE: 202.672-5399

6 ANAT HAKIM (admitted *pro hac vice*)

7 Attorneys for Defendant The Rockefeller University, a New York not-for-profit  
8 corporation,

9 **UNITED STATES DISTRICT COURT**  
10 **SOUTHERN DISTRICT OF CALIFORNIA**

11 Ligand Pharmaceuticals Incorporated, a  
12 Delaware corporation,

13 Plaintiff,

14 vs.

15 The Rockefeller University, a New York  
16 not-for-profit corporation,

17 Defendant.

Case No: 08-CV-401 BEN (WMC)

**DECLARATION OF JAMES LAPPLE  
IN SUPPORT OF DEFENDANT THE  
ROCKEFELLER UNIVERSITY'S  
MOTION TO DISMISS, OR IN THE  
ALTERNATIVE, TRANSFER OR STAY  
THIS ACTION**

Judge: Roger T. Benitez

Date: June 2, 2008

Time: 10:30 a.m.

Dept: Courtroom 3

19  
20 I, James Lapple, declare as follows:

21 1. I am employed by The Rockefeller University (the "University") as its Vice  
22 President, Finance. I have worked for the University in that position for the past four  
23 years in New York. I have personal knowledge of the matters asserted herein.

24 2. As part of my responsibilities as Vice President, Finance, I have an  
25 understanding of the University's operations and business and make this declaration to  
26 the best of my knowledge and belief.

27 3. The Rockefeller University is a New York not-for-profit education  
28 corporation, with its principal place of business in New York, New York. All of The

1 Rockefeller University's facilities and employees are located in New York.

2 4. The Rockefeller University does not have an office in California.

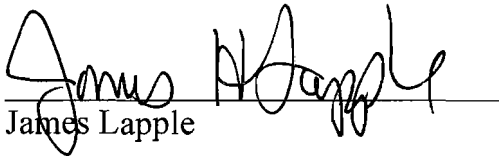
3 5. The Rockefeller University maintains no telephone listing or mailing  
4 addresses in the State of California.

5 6. The Rockefeller University does not sell products in the State of California  
6 and does not market or advertise directly to the residents thereof.

7 7. The Rockefeller University has no research facility, no employees or sales  
8 representatives in the State of California.

9 8. The Rockefeller University does not solicit business in California.

10  
11 Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is  
12 true and correct. I executed this Declaration on this 26th day of March, 2008 in New  
13 York, New York.

14  
15   
16 James Lapple  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28